

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES ROBERT TICE, )  
Petitioner, )  
v. ) Case No. 1:24-CV-46  
HARRY WILSON, et al, )  
Respondents. )

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on February 16, 2024. By Text Order dated April 10, 2024, Chief Magistrate Judge Lanzillo, to whom this case has been referred for report and recommendation,<sup>1</sup> denied three pending motions [motion for discovery – ECF No. 9; motion to speak to court – ECF No. 10; and motion to toll statute of limitations – ECF No. 11]. ECF No. 17. The denial of those motions was based on an earlier Report and Recommendation recommending that the petition be dismissed for lack of jurisdiction. Coincidentally, by Order dated April 10, 2024, the undersigned rejected the Report and Recommendation that recommended the dismissal of the petition for lack of jurisdiction. ECF No. 18.

Petitioner appeals Magistrate Judge Lanzillo's decision denying the motions. ECF No. 21. In accordance with Federal Rule of Civil Procedure 72(a), the undersigned may modify or set aside any part of the Magistrate Judge's order that is "clearly erroneous or is contrary to law." *Id.* Nothing in Judge Lanzillo's April 10, 2024, order was either clearly erroneous or contrary to law. Although the Report and Recommendation was not adopted (and Petitioner has been

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<sup>1</sup> The referral to Judge Lanzillo is made in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

permitted an opportunity to file an amended petition for writ of habeas corpus), all three motions from Petitioner are either premature or inappropriate and their denial is not erroneous or contrary to law. This matter has not yet survived the screening process and it has not been served. Any motions, other than those requesting in forma pauperis status or involving service, are premature.

AND NOW, this 24th day of April 2024;

IT IS ORDERED that Petitioner's Appeal of Magistrate Judge Decision [ECF No. 21] is DENIED.



Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge